

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Willie Young, #285487,	)	
	)	
Petitioner,	)	Civil Action No. 6:07-2893-CMC-WMC
	)	
vs.	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
	)	
Stan Burt; Warden, Lieber	)	
Correctional Institution,	)	
	)	
Respondent.	)	
_____	)	

The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2254. On April 17, 2008, the respondent filed a motion for summary judgment. By order of this court filed May 1, 2008, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the petitioner elected not to respond to the motion.

As the petitioner is proceeding *pro se*, the court filed a second order on June 19, 2008, giving the petitioner an additional twenty days in which to file his response to the motion for summary judgment. The petitioner was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. On June 23, 2008, the court received a letter from the petitioner seeking the status of his case. That same day, the order of June 19, 2008, was remailed to the petitioner. Despite receiving two copies of the order filed June 19, 2008, the petitioner has elected not to file a response to the motion for summary judgment.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe  
United States Magistrate Judge

July 16, 2008

Greenville, South Carolina